

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TIMOTHY M. DAVIS,	}	
Plaintiff,	}	
v.	}	CIVIL ACTION
SOUTHWEST TENNESSEE COMMUNITY COLLEGE and the TENNESSEE BOARD OF REGENTS,	}	No.
Defendants.	}	

COMPLAINT

This is an action for declaratory and injunctive relief as well as damages, brought by the Plaintiff, Timothy M. Davis, against Southwest Tennessee Community College and the Tennessee Board of Regents. As more specifically set forth below, Plaintiff's complaint asserts that he was, and continues to be, subjected to unlawful discrimination as to the terms and conditions of his employment and denied a promotion, on the basis of race, gender and age as to the terms and conditions of his employment in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.

I.
Jurisdiction

1. This Court has jurisdiction to hear Plaintiff's claims under Title VII pursuant to 42 U.S.C. § 2000e-5(f)(3), which provides for injunctive and remedial relief from discrimination in employment.

2. Plaintiff has complied with all conditions precedent by filing a timely charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC") on November 18, 2010. The EEOC issued a Dismissal and Notice of Rights, dated January 26, 2012, and this civil action is being filed within ninety (90) days of

Plaintiff's receipt of that Notice.

II.
The Parties

3. Plaintiff, Timothy M. Davis, is an adult citizen of the United States and resident of Shelby County, Tennessee, with a residence at 13593 Autumn, Memphis, Tennessee 38122.

4. Defendant Southwest Tennessee Community College (hereafter "Southwest") is an educational institution within the State University System of Tennessee established by the Tennessee Board of Regents, and has its principle offices at 737 Union Avenue, Memphis, Tennessee 38103.

5. Defendant Tennessee Board of Regents is an entity and political subdivision created by legislative act of the State of Tennessee and is empowered to govern, regulate, and oversee the institutions, including defendant Southwest Tennessee Community College, within the state university system. The Board of Regents has its principle offices at 1415 Murfreesboro Rd., Suite 350, Nashville, Tennessee 37217.

III.
Statement of Facts

6. Plaintiff has been continuously employed by defendant Board of Regents since August, 1991, and is currently employed as a Financial Aid Counselor in the Financial Aid Department at Southwest.¹ At all times relevant herein Plaintiff has performed his job duties in a professional and satisfactory manner.

7. Prior to a reorganization within the College in 2008, Plaintiff had served as Assistant Director in the Continuing Education Department at Southwest since June, 1999. During the course of the reorganization, Plaintiff was advised that he could apply for new

¹ In 1991 when Plaintiff was hired, he was employed by then State Technical Institute at Memphis. State Technical Institute and Shelby State Community College were subsequently merged by the Tennessee Board of Regents in 2000 to form Southwest Tennessee Community College.

created positions within the reconfigured department, and he applied for at least two positions, including the Assistant Director of Continuing Education, a job that he had been performing for several years. Plaintiff was not selected. Plaintiff later learned, in or about November, 2010, that he had in fact been recommended first by the interview committee for an Assistant Director position. Upon information and belief, the persons selected for the positions for which Plaintiff applied were both younger African-American females who were less qualified than Plaintiff.

8. In or about July, 2009, Plaintiff's position as Assistant Director in the Admissions and Records Department was eliminated, and in or around October, 2009, he was reassigned involuntarily as a Financial Aid Counselor in the Financial Aid office with a 5% reduction in salary.

9. As a Financial Aid Counselor, Plaintiff reported to Shawna Petty-Jones, an African-American female. Since Plaintiff has been working as a Financial Aid Counselor, he has been subjected to disparate terms and conditions of employment by both Ms. Petty-Jones and the Executive Director, Thalia Wilson, an African-American female.

10. This disparate treatment includes: being issued unwarranted letters of warning; being subjected to heightened scrutiny and unrealistic work assignments; receiving less clerical support and assistance than younger African-American financial aid counselors; and being subjected to demeaning, humiliating, and hostile threats of termination by Ms. Petty-Jones. This campaign of harassment by Ms. Petty-Jones continued from shortly after Plaintiff reported to the Financial Aid department until approximately August, 2011, when another reorganization has been implemented.

11. In March of 2010, Plaintiff was directed to come to Ms. Petty-Jones' office where she proceeded to subject him to a verbal assault. Ms. Petty-Jones stated to Plaintiff that she was "sick of old white men thinking they know everything. I tell you right now that you are a white man who is going to lose his job. I can guarantee it. You are going to lose

your job and be fired.” Plaintiff reported this statement to his superiors and is not aware of any action taken by the College in response.

12. Upon information and belief, other employees in the Financial Aid Department, who are predominantly younger African-American females, are not subjected to such discriminatory statements or to the same type of disparate treatment when it comes to job assignments, clerical assistance, or scrutiny of their job performance.

13. Upon information and belief, Plaintiff asserts that there is a pervasive environment of racial tension and hostility on the part of some African-American managers at Southwest directed towards Plaintiff and other white employees who make up a distinctly small minority of the administrative and professional staff at the College, and specifically in the Financial Aid Department where Plaintiff is currently employed.

14. As a direct and proximate result of the foregoing unlawful actions of Defendant, Plaintiff has suffered substantial injury, including loss of salary and career progression opportunities, as well as severe and substantial emotional distress and mental anguish causing stress-related physical symptoms for which Plaintiff has had to seek medical treatment. In addition, Plaintiff has suffered both personal and professional embarrassment and humiliation among his peers,

III. Cause of Action

15. Plaintiff incorporates Paragraphs 1 through 14 above as though specifically set forth herein, and for cause of action against Defendants would state:

16. Defendant's actions constitute unlawful discrimination on the basis of race and sex in violation of Title VII of the Civil rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and as amended by the Civil Rights Act Amendments, 42 U.S.C. § 1981a.

IV.

Prayer for Relief

WHEREFORE, in consideration of the foregoing, Plaintiff prays that the Court, after service upon Defendant, direct the clerk to set this matter for trial and, upon a hearing thereon prays for a judgment:

1. Finding that Defendant's actions constitute unlawful discrimination in violation of Title VII of the 1964 Civil Rights Act;
2. Awarding Plaintiff lost wages and benefits in an amount to be determined at trial and entering an injunction prohibiting Defendant from further unlawful discriminatory acts..
3. Awarding Plaintiff compensatory damages in the amount of \$75,000.
4. Awarding Plaintiff prejudgment interest, as well as his reasonable attorney fees and costs incurred, as provided by law.
5. Awarding Plaintiff such other and further relief as the Court determines is just and proper under the law or in equity.

RESPECTFULLY SUBMITTED,

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